



PATENT
Customer No. 22,852
Attorney Docket No. 04012.0384

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:)
)
Lukas-Laskey et al.) Group Art Unit: 1614
)
Application No. 10/721,022) Examiner: P. Spivack
)
Original Patent No. 5,902,821)
)
Original Issue Date: May 11, 1999)
)
Reissue Filed: November 25, 2003)
)
For: USE OF CARBAZOLE)
COMPOUNDS FOR THE)
TREATMENT OF CONGESTIVE)
HEART FAILURE)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FIFTH SUPPLEMENTAL REISSUE DECLARATION

UNDER 37 C.F.R. §§ 1.172 and 1.175

I, Stephen A. Venetianer, a citizen of the United States of America, declare as follows:

1. I am authorized to act on behalf of the following assignee: SB PHARMCO PUERTO RICO INC. U.S. Patent No. 5,902,821, is assigned to SB PHARMCO PUERTO RICO INC. as assignee of the entire right, title and interest in said patent by virtue of an assignment from Roche Therapeutics Inc. to SB PHARMCO PUERTO RICO INC., recorded on September 16, 2003, at Reel 013974, Frame 0463.

2. The title of my position is Vice President, Pharmaceutical Patents.
3. The entire title to the patent identified below is vested in SB PHARMCO

PUERTO RICO INC.

<u>Name of Patentees</u> Mary Ann Lukas-Laskey; Robert Ruffolo, Jr.; Neil Howard Shusterman; Gisbert Sponer; Klaus Strein	
<u>Patent Number</u> 5,902,821	<u>Date of Issued Patent</u> May 11, 1999
<u>Title of Invention</u> USE OF CARBAZOLE COMPOUNDS FOR THE TREATMENT OF CONGESTIVE HEART FAILURE	

4. I believe these patentees are the original, first and joint inventors of the subject matter which is described and claimed in United States Patent No. 5,902,821, granted on May 11, 1999, and for which a reissue patent is sought on the invention entitled, " USE OF CARBAZOLE COMPOUNDS FOR THE TREATMENT OF CONGESTIVE HEART FAILURE," the specification of which was filed on November 25, 2003, as Reissue Application No. 10/721,022 and was amended on November 25, 2003, amended by an After Final Amendment filed September 14, 2005, further amended by the Amendment and Reply to Office Action filed March 10, 2006, further amended by the Amendment After Final Amendment filed December 31, 2007; further amended by the Supplementary After Final Amendment filed concurrently herewith.

5. I have reviewed and understand the contents of the above-identified specification, including the original patent claims, and the claims as amended by any amendment referred to above.

6. I acknowledge the duty to disclose to the Office information known to me to be material to patentability of this reissue application as defined in Title 37, Code of Federal Regulations, Section 1.56.

7. I hereby claim the benefit under 35 U.S.C. § 119(a) of the foreign application DE 195 03 995 filed in the Fed. Rep. of Germany on February 8, 1995. A certified copy of this application is of record in the file of U.S. Patent Application No. 08/875,603, which gave rise to U.S. Patent No. 5,902,821.

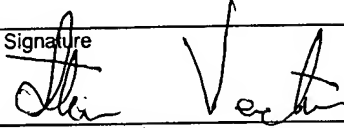
8. I believe that U.S. Patent No. 5,902,821 is at least partially inoperative or invalid by reason of the patentees claiming more or less than they had a right to claim.

9. The error upon which reissue is based is the failure of U.S. Patent No. 5,902,821 to recite in the preamble of claim 7 that the claimed method is directed to a method of decreasing "a risk of" mortality; that is, the issued claim refers to "A method of decreasing mortality caused by congestive heart failure in a patient in need of such decrease . . ." rather than as amended in this reissue application to read "A method of decreasing a risk of mortality caused by congestive heart failure in a patient in need of such decrease"

10. The above-described error and all other errors corrected in this reissue application arose without any deceptive intent on the part of the applicants.

11. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true;

and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of person signing Stephen A. Venetianer		
Signature 		Date March 27, 2008
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